IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Arun AHUJA, et al.   Art Unit: 2154

Serial No.:   09/832,863   Examiner: PATEL, Ashokkumar

Filed: April 12, 2001

For: **METHOD AND SYSTEM FOR NOTIFYING CUSTOMERS OF TRANSACTION OPPORTUNITIES**

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop <u>Appeal</u>
Randolph Building
401 Dulany Street
Alexandria, VA 22314

APPEAL BRIEF

Dear Sir:

This is an Appeal Brief under 37 C.F.R. § 41.37 in connection with the final Office Action mailed July 8, 2005 and the Notice of Appeal filed October 11, 2005. Each of the topics required by Rule 41.37 is presented herewith and is labeled appropriately.

(1)   Real Party In Interest

The real parties in interest are Citibank, N.A., having an office at 399 Park Avenue, New York, New York 10043 and Citicorp Development Center, Inc. having an office at 12731 W. JEFFERSON BOULEVARD LOS ANGELES, CALIFORNIA 90066.

(2)   Related Appeals And Interferences

Appellants are unaware of any related appeals and interferences.

(3)   Status Of Claims

Claims 1-23 are pending in this application and stand under final rejection, from which rejection this appeal is taken.

(4)   Status of Amendments

The claims have not been amended after the final Office Action dated July 8, 2005.

(5)   Summary Of The Claimed Subject Matter

This summary of claimed subject matter is a concise explanation of the subject matter defined in independent claims 1, 7, 8,19 and 23. This is merely meant to be a summary and is in no way intended to limit the pending claims.

Claim 1:

Referring to paragraph [0030] and FIG. 1, a notification system 10 comprised of a system of servers and databases which is accessed through various Web sites, including non-member Web site 12 or member Web site 14. Web sties 12 and 14 are used to determined customer status. Referring to paragraphs [0038], [0039], [0043] and [0044] and FIGs. 3-5 and 7-9, the customers are directed to establish or provide access information through a series of Web pages resulting initially from Web sites 12 or 14. Referring to paragraphs [0041] and [0044] and FIGs, 6(a) and 10, the customers select notification preferences uses preference sites 70 and 80. Referring to paragraph [0050], the notification system stores the customer requests and compares the requests with information that is continuously coming into the system from numerous internal and external sources. Once matching information is received, the notification system prepares an alert and sends the alert to the customer's selected notification gateway.

Claim 7:

The means for providing the customer with access to a notification system includes Web sites 12 or 14 and follow-on Web pages as shown and described, *inter alia*, in paragraphs [0030], [0038], [0039], [0043] and [0044] and FIGS. 2-5 and 7-9 for determining a status of the customer as a member customer or a non-member customer of an institution providing the notification system, generating access data for the customer, and prompting the customer for the access data. Referring to paragraphs [0041] and [0044] and FIGs, 6(a) and 10, preference sites 70 and 80 facilitate prompting the customer to select at least one requested event, wherein the member customer is provided with more event choices than the non-member customer; prompting the customer to select at least one method of notification and prompting the customer to select at least one time for notification. The notification system 10 facilitates storing the customer's at least one requested event selection; at least one method of notification selection; at least one time for notification selection in the customer preference database 24. Referring to paragraph [0031], the notification system 10 and more particularly, the alert message generators 32 receive trigger data from at least a second database into the notification system that triggers the at least one requested event and formulates a notification message that includes information about the at least one requested event; and facilitates sending the notification message through gateways 40 to the customer via the customer's at least one method of notification at the customer's at least one time for notification.

Claim 8:

Referring to paragraphs [0041] and [0044] and FIGs, 6(a) and 10, preference sites 70 and 80 facilitate generating a customer's financial notification preferences which include, (i) at least one requested event, (ii) a customer's notification method preferences, and (iii) a customer's time for notification preferences. FIG.1 and paragraph [0031] describe a database 24 containing the customer's financial notification preferences; a database 16 containing financial information, wherein the financial information is collected from at least one internal source and at least one external source 16; a notification message generator 32

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for comparing the at least one requested event with the financial information and generating
a notification message when the financial information matches the at least one requested
event; a notification gateway 40 for sending the notification message to the customer
according to the customer's notification method preferences and time for notification
preferences; and a database for generating a notification report at the customer's request,
wherein the notification report includes at least data describing each notification message
sent to the customer during a customer selected period of time (See paragraph [0037]).

Claim 19:

The notification system 10 facilitates storing the customer's at least one requested event
selection; at least one method of notification selection; at least one time for notification
selection in the customer preference database 24. Referring to paragraph [0031] the
notification system 10 receives financial information from numerous internal and external
sources into various databases. Referring to paragraph [0050], the notification system stores
the customer requests and compares the requests with information that is continuously
coming into the system from numerous internal and external sources. Once matching
information is received, the notification system prepares an alert and sends the alert to the
customer's selected notification gateway 40.

Claim 23:

Referring to paragraph [0030] and FIG. 1, a notification system 10 comprised of a system of
servers and databases which is accessed through various Web sites, including non-member
Web site 12 or member Web site 14. Web sties 12 and 14 are used to determined customer
status. Referring to paragraphs [0038], [0039], [0043] and [0044] and FIGs. 3-5 and 7-9, the
customers are directed to establish or provide access information through a series of Web
pages resulting initially from Web sites 12 or 14. Referring to paragraphs [0041] and [0044]
and FIGs, 6(a) and 10, the customers select notification preferences uses preference sites 70
and 80. Referring to paragraph [0031] the notification system 10 receives financial

information from numerous internal and external sources into various databases. Referring

to paragraph [0050], the notification system stores the customer requests and compares the

requests with information that is continuously coming into the system from numerous

internal and external sources. Once matching information is received, the notification system

prepares an alert and sends the alert to the customer's selected notification gateway.

(6)   Grounds of rejection to be reviewed on appeal

Whether the Office's rejection of claims 1-23 under 35 U.S.C. § 102(e) as being

anticipated by Rajan et al. (US Patent No. 6,633,910 hereafter "Rajan") is proper.

(7)   Argument

Independent claim 1 includes the following language:

1. (Presently Amended)   A method for notifying a customer of at least one
requested event comprising:
        providing the customer with access to a notification system, including,
            (i)   **determining a status of the customer as a member
customer or a non-member customer of an institution providing the
notification system,**
            (ii)   generating access data for the customer, and
            (iii)   prompting the customer for the access data;
        **prompting the customer to select at least one requested event,
wherein a member customer is provided with more event choices than a
non-member customer;**
        storing the customer's at least one requested event selection in a first
database;
        prompting the customer to select at least one method of notification;
        storing the customer's at least one method of notification selection in
the first database;
        prompting the customer to select at least one time for notification;
        storing the customer's at least one time for notification selection in the
first database;
        receiving trigger data from at least a second database into the
notification system that triggers the at least one requested event;
        formulating a notification message that includes information about the
at least one requested event; and

sending the notification message to the customer via the customer's at least one method of notification at the customer's at least one time for notification.

The Office asserts that the **bold** limitations of Claim 1 set forth above are met by Rajan, citing the following (emphasis in original):

> "Rajan elucidates in col. 5, line 6-14, 'ISP 15 is adapted, in this example, for providing Internet connection services as known in the art. Illustrated within ISP 15 are a main connection server 33, a mass data-repository 31, and a modem bank 29. Main server 33 is directly connected to Internet 11 as shown. <u>Main server 33 is adapted to perform normal Internet service routines as known in the art, and is additionally enhanced via a unique software instance 51 for enabling practice of the present invention.</u>'
>
> Thus, Rajan makes distinction between member and non-member subscribers. And as such Rajan is 'determining a subscriber's status as member or non-member.' And thence-forth Rajan is 'prompting a subscriber to select at least on requested event options depending on their status.' (as stated above, Rajan's ISP 15's <u>Main server 33 is adapted to perform normal Internet service routines as known in the art, and **is additionally enhanced via a unique software instance 51** for enabling practice of the present invention.'</u>)"

(Final Office Action). This portion of Rajan does not disclose determining a subscriber's status as member or non-member nor does it disclose prompting a subscriber to select at least on requested event wherein member and non-member subscribers are presented with different event options depending on their status. In fact, the portion of Rajan that is highlighted by the Office actually teaches away from the claimed invention. Referring to Rajan: "Software 51 provides, in this case, a **unique subscriber service** hosted by ISP 15 in which the service may be accessed and utilized by using any Internet-capable appliance." (emphasis added). Accordingly, the software 51 provides enhanced routines to subscribers

only. In the Advisory Action, the Office again argues that the fact that Rajan provides a

service to subscribers only, that Rajan discloses the limitations of claim 1. Clearly, the

word "customer" as used in Claim 1 without an adjective, includes both member and non-

member customers. Rajan only ever contemplates member customers, i.e., subscribers.

This software 51 does not perform the claimed functions. Rajan does not anticipate the

language of independent claim 1 or claims 2-6 which are dependent thereon.

Similarly, with respect to dependent claim 3, since there is no distinction between

member and non-member subscribers described in Rajan, the limitation of claim 3 clearly is

not disclosed in Rajan.

Independent claim 7 includes the following language:

7. (Original) A system for notifying a customer of at least one requested event comprising:
    means for providing the customer with access to a notification system, including,
        (i)   **means for determining a status of the customer as a member customer or a non-member customer of an institution providing the notification system,**
        (ii)   means for generating access data for the customer, and
        (iii) means for prompting the customer for the access data;
    means for prompting the customer to select at least one requested event, wherein the member customer is provided with more event choices than the non-member customer;
    means for storing the customer's at least one requested event selection;
    means for prompting the customer to select at least one method of notification;
    means for storing the customer's at least one method of notification selection;
    means for prompting the customer to select at least one time for notification;
    means for storing the customer's at least one time for notification selection;
    means for receiving trigger data from at least a second database into the notification system that triggers the at least one requested event;

means for formulating a notification message that includes information about the at least one requested event; and

means for sending the notification message to the customer via the customer's at least one method of notification at the customer's at least one time for notification.

As discussed above with respect to independent claim 1, Rajan makes no distinction between member and non-member subscribers. Accordingly, Rajan does not disclose means for determining a subscriber's status as member or non-member nor does Rajan disclose means prompting a subscriber to select at least on requested event wherein member and non-member subscribers are presented with different event options depending on their status. Rajan does not anticipate the language of independent claim 7.

Independent claim 8 includes the following language:

8. (Original) A system for notifying a customer of at least one requested event comprising:
    means for generating a customer's financial notification preferences which include,
        (i)   at least one requested event,
        (ii)   a customer's notification method preferences, and
        (iii)   a customer's time for notification preferences;
    a database containing the customer's financial notification preferences;
    a database containing financial information, wherein the financial information is collected from at least one internal source and at least one external source;
    a notification message generator for comparing the at least one requested event with the financial information and generating a notification message when the financial information matches the at least one requested event;
    a notification gateway for sending the notification message to the customer according to the customer's notification method preferences and time for notification preferences; and
    a database for generating a notification report at the customer's request, wherein the notification report includes at least data describing each notification message sent to the customer during a customer selected period of time.

Specifically, claim 8 includes the following limitation "**a database containing financial information, wherein the financial information is collected from at least one internal source and at least one external source.**"

In the Advisory Action, the Office states:

> Claim 8 recites 'A system for notifying a customer' which is taught by Rajan as stated above in the response for claim 1, and please refer to Fig. 4, col. 14, line 19-54 for a 'database containing financial information, wherein the financial information is collected from at least one internal source and at least one external source.' in conjunction with col. 15, line 62-col. 16, line 17 for generating notification report for selected period of time.

The undersigned has reviewed the cited passages from Rajan. Rajan describes a third party system to which a user can subscribe that will go out and retrieve information from external sources that are relevant to subscriber requests. For example, referring to Col. 15, lines 59-62 states, "...a user may configure to be notified when his or her net bank balances over several accounts at several different banks fall below a specific amount." The system described in Rajan does not collect financial information from an internal source since the system operates only has a data gathering and pass through system. The system does not facilitate financial transactions and maintain internal data based on these transactions. The subscriber must provide access information, e.g., passwords, etc. so that the subscription service can access these EXTERNAL data sources to collect data. This subscription service is not an internal source for financial data.

With respect to dependent claim 12, Rajan does not describe an internal data source and thus does not describe an internal data source that is the financial institution hosting the subscription service.

With respect to dependent claims 15 and 16, as discussed previously, Rajan makes no distinction between member and non-member subscribers.

Rajan does not anticipate the language of independent claim 8 or claims 9-18 which are dependent thereon.

Independent claim 19 includes the following language:

19. (Original) A method for formulating an alert message containing financial information for a customer comprising:
        storing an alert prompt in a first database of a **notification system hosted by a financial institution**, wherein the alert prompt includes,
                (i)   prompt details,
                (ii)   a preferred method for notifying the customer of the alert message, and
                (iii)   a preferred time for notifying the customer of the alert message;
        receiving financial information into a second database of the notification system, wherein the incoming financial information is received into the second database from at least one outside source and at least one inside source, and further wherein the incoming financial information received from the at least one inside source results from a change in at least one customer account maintained by the host financial institution;
        comparing the incoming financial information with the prompt details of the alert prompt in the first database; and
        notifying the customer through the preferred method at the preferred time through an alert message when the prompt details match the incoming financial information.

The undersigned has carefully reviewed Rajan and fails to see where the highlighted limitations are disclosed therein. The undersigned does not disagree that Rajan describes a method for formulating an alert message containing financial information for a customer,

BUT, Rajan does not describe a notification system hosted by a financial institution –OR–

receiving financial information into a second database of the notification system from at

least one outside source and at least one inside source. The following portions of Rajan

were cited by the Office in support of the rejection:

- "Alerts may be by the Internet, by message systems to which a user subscribes, or by

  wireless network to devices not enabled for Internet connection, such as pages and cell

  phones."

- "Such an alert may or may not include specific data from the sites in addition to the

  alert."

- "Some specific examples of NC criteria that a user may configure into the monitoring

  and notification software of the present invention are listed below: 1) Stock Market.

  Portfolio Monitoring Across Multiple Accounts: By summarizing the user's financial

  information across multiple investment accounts, the monitoring and notification service

  of the present invention can alert the user when his/her net worth changes by a

  predefined amount in a user-defined platform."

The undersigned fails to see how these portions of Rajan disclose the **bolded** limitations of

claim 19.

The limitation of dependent claim 20 is also not described by Rajan. Accordingly,

Rajan does not anticipate the language of claims 19-22.

Independent claim 23 includes the following language:

23. (Original)A method for notifying a customer of at least one requested
event comprising:
      providing the customer with access to a notification system, including,

    (i) **determining a status of the customer as a member customer or a non-member customer of a host institution providing the notification system,**

    (ii) generating access data for the customer, and

    (iii) prompting the customer for the access data;

  prompting the customer to select at least one requested event, wherein the member customer is provided with more event choices than the non-member customer;

    prompting the customer to select at least one method of notification;

    prompting the customer to select at least one time for notification;

    formulating an alert prompt wherein the alert prompt includes,

    (iv) the at least one requested event,

    (v) the customer's at least one method of notification, and

    (vi) the customer's at least one time for notification;

    storing the alert prompt in a first database of the notification system;

  receiving financial information into a second database of the notification system, wherein the incoming financial information is received into the second database from at least one outside source and at least one inside source, and further wherein the incoming financial information received from the at least one inside source results from a change in at least one customer account maintained by the host institution;

    comparing the incoming financial information with the at least one requested event of the alert prompt in the first database; and

    sending a notification message to the customer via the customer's at least one method of notification at the customer's at least one time for notification when the at least one requested event matches the incoming financial information.

The undersigned submits that claim 23 is allowable for the reasons stated above with respect to claims 1, 7 and 19.

(8) Claims Appendix

See Appendix of Claims below.

(9) Evidence Appendix

None.

(10) Related Proceedings Appendix

None.

CONCLUSION

For the reasons set forth herein, the undersigned submits that the claims are

allowable over the cited art and respectfully requests that the Board of Patent Appeals and

Interferences direct the Office to issue a notice of allowance to this effect.

Respectfully submitted,

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Appendix of Claims

1. (Previously Presented)   A method for notifying a customer of at least one requested event comprising:

providing the customer with access to a notification system, including,

(i)   determining a status of the customer as a member customer or a non-member customer of an institution providing the notification system,

(ii)   generating access data for the customer, and

(iii)   prompting the customer for the access data;

prompting the customer to select at least one requested event, wherein a member customer is provided with more event choices than a non-member customer;

storing the customer's at least one requested event selection in a first database;

prompting the customer to select at least one method of notification;

storing the customer's at least one method of notification selection in the first database;

prompting the customer to select at least one time for notification;

storing the customer's at least one time for notification selection in the first database;

receiving trigger data from at least a second database into the notification system that triggers the at least one requested event;

formulating a notification message that includes information about the at least one requested event; and

sending the notification message to the customer via the customer's at least one method of notification at the customer's at least one time for notification.

2. (Original)   The method according to claim 1, further comprising prompting the customer to select a method of payment for using the notification system.

3. (Original)   The method according to claim 2, wherein only non-member customers are prompted to select a method of payment for using the notification system.

4. (Original)   The method according to claim 1, wherein at least the steps of providing the customer with access to a notification system, prompting the customer to select at least one requested event, prompting the customer to select at least one method of notification, and prompting the customer to select at least one time for notification are performed by a customer service representative.

5. (Original)   The method according to claim 1, wherein the second database contains customer-specific financial account information.

6. (Original)   The method according to claim 5, wherein the customer is a non-member customer.

7. (Original)   A system for notifying a customer of at least one requested event comprising:

means for providing the customer with access to a notification system, including,

(i)   means for determining a status of the customer as a member customer or a non-member customer of an institution providing the notification system,

(ii)   means for generating access data for the customer, and

(iii)   means for prompting the customer for the access data;

means for prompting the customer to select at least one requested event, wherein the member customer is provided with more event choices than the non-member customer;

means for storing the customer's at least one requested event selection;

means for prompting the customer to select at least one method of notification;

means for storing the customer's at least one method of notification selection;

means for prompting the customer to select at least one time for notification;

means for storing the customer's at least one time for notification selection;

means for receiving trigger data from at least a second database into the notification system that triggers the at least one requested event;

means for formulating a notification message that includes information about the at least one requested event; and

means for sending the notification message to the customer via the customer's at least one method of notification at the customer's at least one time for notification.

8. (Original) A system for notifying a customer of at least one requested event comprising:

means for generating a customer's financial notification preferences which include,

    (i)   at least one requested event,

    (ii)   a customer's notification method preferences, and

    (iii)   a customer's time for notification preferences;

a database containing the customer's financial notification preferences;

a database containing financial information, wherein the financial information is collected from at least one internal source and at least one external source;

a notification message generator for comparing the at least one requested event with the financial information and generating a notification message when the financial information matches the at least one requested event;

a notification gateway for sending the notification message to the customer according to the customer's notification method preferences and time for notification preferences; and

a database for generating a notification report at the customer's request, wherein the notification report includes at least data describing each notification message sent to the customer during a customer selected period of time.

9. (Original) The system according to claim 8, wherein the at least one requested event is related to one of the following group consisting of a customer checking account, a customer savings account, a customer financial portfolio, a customer credit card, stock quotes, foreign exchange rates, interest rates, and loans.

10. (Original) The system according to claim 8, wherein the customer's notification method preferences are selected from the following group consisting of electronic mail, hypertext mark-up language, pager, mobile phone text messaging, extensible mark-up language, facsimile, short message service, and telephone.

11. (Original) The system according to claim 8, wherein the customer's notification time preferences are selected from the following group consisting of instantaneously, hourly, daily, weekly, and monthly.

12. (Original) The system according to claim 8, wherein the at least one internal source is a financial institution that is hosting the system.

13. (Original) The system according to claim 8, wherein the at least one external source is the Internet.

14. (Original) The system according to claim 8, wherein the at least one external source is a financial institution that is not hosting the system.

15. (Original) The system according to claim 8, wherein customers are identified in the first database as being either member customers or non-member customers.

16. (Original) The system according to claim 15, wherein the at least one external source is a non-member customer's financial institution.

17. (Original) The system according to claim 8, wherein the financial information includes customer's checking account balance, customer's savings account balance, customer's portfolio value, stock quotes, and interest rates.

18. (Original) The system according to claim 8, wherein the means for generating a customer's financial notification preferences includes a customer service representative.

19. (Original) A method for formulating an alert message containing financial information for a customer comprising:

storing an alert prompt in a first database of a notification system hosted by a financial institution, wherein the alert prompt includes,

(i)   prompt details,

(ii)   a preferred method for notifying the customer of the alert message, and

(iii)   a preferred time for notifying the customer of the alert message;

receiving financial information into a second database of the notification system, wherein the incoming financial information is received into the second database from at least one outside source and at least one inside source, and further wherein the incoming financial information received from the at least one inside source results from a change in at least one customer account maintained by the host financial institution;

comparing the incoming financial information with the prompt details of the alert prompt in the first database; and

notifying the customer through the preferred method at the preferred time through an alert message when the prompt details match the incoming financial information.

20. (Original) The system according to claim 19, wherein the at least one internal source is a financial institution that is hosting the system.

21. (Original) The system according to claim 19, wherein the at least one external source is the Internet.

22. (Original) The system according to claim 19, wherein the at least one external source is a financial institution that is not hosting the system.

23. (Original) A method for notifying a customer of at least one requested event comprising:

providing the customer with access to a notification system, including,

    (i)   determining a status of the customer as a member customer or a non-member customer of a host institution providing the notification system,

    (ii)   generating access data for the customer, and

    (iii)   prompting the customer for the access data;

prompting the customer to select at least one requested event, wherein the member customer is provided with more event choices than the non-member customer;

prompting the customer to select at least one method of notification;

prompting the customer to select at least one time for notification;

formulating an alert prompt wherein the alert prompt includes,

    (iv)   the at least one requested event,

    (v)   the customer's at least one method of notification, and

    (vi)   the customer's at least one time for notification;

storing the alert prompt in a first database of the notification system;

receiving financial information into a second database of the notification system, wherein the incoming financial information is received into the second database from at least one outside source and at least one inside source, and further wherein the incoming financial

information received from the at least one inside source results from a change in at least one customer account maintained by the host institution;

comparing the incoming financial information with the at least one requested event of the alert prompt in the first database; and

sending a notification message to the customer via the customer's at least one method of notification at the customer's at least one time for notification when the at least one requested event matches the incoming financial information.